

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Agriculture Department – APAS – Sri S. Ananda Reddy, Agricultural Officer (Retd), Cuddapah District – Involved in ACB trap case and money lending business (Dept'l. Case) while he was service – Departmental proceedings initiated and criminal case filed - Suspended him from service both the cases ended with acquitted from charges – Treating the suspension period from 13.6.1994 to 9.9.1997 as duty under FR.54(B)(3) – Orders – Issued.

AGRICULTURE AND COOPERATION (VIG.I) DEPARTMENT

G.O.RT.No. 632

**Dated:20-11-2014.
Read the following:-**

1. From the DG,ACB A.P.Hyd Lr.No.66/RCT-KUR/94, Dated:27.04.1994.
2. From the C&DA,A.P.Hyd Pro No.Estt.X.(3)745/96, dated:07.12.1999.
3. O.A.No.4503/2000 filed by Sri S.Ananda Reddy,A.O.Cuddaph.
4. Judgement of Hon'ble APAT , dated; 20.08.2004 in O.A.No.4503/2000.
5. G.O.Rt.No.36, Agriculture and Cooperation (Vig.I) Dept., dated:09.01.2004.
6. W.P.No.598/2007 filed by C&DA,A.P.Hyd in A.P.HighCourt.
7. Interim Orders of Hon'ble APHigh Court , dated; 27.09.2009.in
W.P.No.8000/2009 and batch cases.
8. From the C&DA,A.P.Hyd Lr.No. Vig.IV(1) 23/2010, dated:03.12.2010.
9. From GP for Services-I Lr.No.O.A.No.4503/2000/GP.Ser.1/PNR/10, Dated:
01.12.2010.
10. U.O.Note No.14680/Vig-1/2005, dated: 18.01.2011.
11. Judgement of Hon'ble APHigh Court, dated; 28.01.2011 in W.P.No.8000/2009
12. G.O.Ms.No.3,A &C(vig-1) dept, dated:04.01.2012

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O R D E R:

The DG, Anti- Corruption Bureau has brought to notice of Govt that Sri S. Ananda Reddy, Mandal Agricultural Officer, Peapully, Kurnool District while he was working as he was trapped by the ACB officials on 27-4-1994 at his residence when he accepted a bribe amount of Rs.500/- from the complainant Sri N. Sreenivasulu Resident of Peapully in order to recommend and forward his seeds license renewal application to the JDA, Kurnool. He was also indulged in extending loans worth Rs.2,48,000/- to 3 fertilizer dealers of Nandikotkur and Peapully Villages on interest by getting promissory notes executed in his favour and his family members during 1991-93. The Commissioner and Director of Agriculture ,A.P.Hyd has initiated disciplinary proceedings in the money lending case and the Govt have accorded sanction for prosecution of the officer in ACB Spl Court Hyd. in the trap case. Sri S Ananda Reddy MAO Peapally, Kurnool District was suspended from service vide the Commissioner & Director of Agriculture, A.P. Hyderabad. Proceedings No.Estt.VIII(1)372/94, dt.27.5.1994 pending further action with the disciplinary case. He was reinstated in to service on 9.9.97 by revoking suspension.

(P.T.O)

2. Prosecution was sanctioned in the trap case vide G.O.Rt.No.383, A&C(Agri.I) Dept., dated: 10-5-1995 in a court of law. He was acquitted from the criminal case. The DG, ACB, Hyd was permitted to file appeal before the Hon'ble High Court. Accordingly the Hon'ble Court admitted the case and remitted back to the same ACB Court with a direction to re-open and finalize it on the points mentioned therein. The Hon'ble ACB Court re-examined and convicted him in the criminal case vide No.27/1995, dt.7-11-2003. At the time of judgment he already retired from service on 30-6-2000. Hence, Govt imposed the punishment of 100% cut in pension and withheld Gratuity in full vide G.O.Rt.No.36, A&C(Vig.I) Dept. dt.9.1.2004 in the ref. 5th read above.

3. Aggrieved with the orders of Hon'ble ACB Court, Hyderabad, dt.7.11.2003 he filed an criminal appeal before the High Court in W.P.No. 1250/2003. Govt after careful examination of the report of DG, ACB in the prosecution case, the orders of the punishment of withholding the entire pension and gratuity permanently imposed on Sri S. Ananda Reddy, formerly MAO, Peapully (M) Kurnool Dist (rtd) have been withdrawn and cancelled vide G.O.Ms.No.3, A&C(Vig.I) Dept., dt. 4.1.2012 pending regularization of the suspension period in the case of departmental proceedings pending before the Hon'ble High Court in W.P.No.598/2007 filed by the C&DA. However, it is noticed that by the time orders were issued on 4.1.2012 the disciplinary proceedings case was not pending before the Hon'ble High Court as it was already closed on 28.1.2011.

4. In the departmental proceedings the Commissioner and Director of Agriculture has imposed the punishment of reduction of pay by one stage vide proceedings ref. 2nd read above, Sri S.Ananda Reddy filed O.A.No.4503/2000 before the APAT against the orders of the C&DA against him.

5. The Hon'ble A.P.A.T. in its order dt. 20-8-2004 disposed the O.A.No.4503/2000 with the following observations:-

1st Objection:

As could be seen from the material papers, it appears that the ACB Inspector's recorded statements were not examined by the authorities. Therefore, the basis on which the conclusions reached by the Enquiry Officer are not substantiated and they cannot be treated as substantial evidence in the circumstances stated above. So the conclusions drawn in this regard are vitiated. Prima-facie, it appears that necessary provisions with regard to supply of material papers and names of witnesses were also not supplied to the applicant, which is against the mandatory rules. Hence, the enquiry initiated against the applicant is vitiated and unsustainable by law and therefore, it is set aside.

2nd Objection:

Coming to the relief sought for in the application, even though an enquiry is pending against the applicant, normally increments have to be granted till final orders are issued and implemented but it cannot be kept pending without granting increments.

(P.T.O)

3rd Objection:

Further, it appears that there is no criminal appeal pending in the High Court and it ends in favour of the applicant.

4th Objection:

Suspension period of the applicant should also be regularized as per F.R. 54(B).

6. The Commissioner & Director of Agriculture, A.P. Hyderabad., Hyderabad filed appeal in the Hon'ble A.P.High Court in W.P. 598/2007 in the Hon'ble High Court of A.P against the orders of APAT in O.A.No 4503/200 dated 20.08.2004. This case was tagged onto 8000/2009 & batch belonging to other Depts who were convicted by the ACB courts.

7. The Hon'ble A.P.High Court in its interim order dated.27.9.2009 in WP No 8000/2009 and batch conviction cases, observed that the State Govt is a model employer and these should be no discrimination in dealing with the disciplinary cases and similar cases have to be given same treatment in public interest. While citing the Supreme Court Judgment in Serena's case, the Hon'ble Court deprecated discrimination and selective treatment and directed the State Disciplinary authority to review all such cases wherein Govt servants have suffered conviction and even if appeals or revisions against the conviction are pending. Therefore the W.Ps are allowed and the orders of APAT are set aside and O.As filed by respondents are dismissed. The position were brought to the notice of G.A dept for filing a common affidavit before the Hon'ble High Court in the ref. 10th read above, After filing counter the notice of Hon'ble High Court in its final judgment in W.P.No.8000/09 and batch cases, dt. 28.1.2011 , closed all cases without reference to the case of Ananda Reddy ,MAO which is a departmental case. The judgment W.P.No.8000/2009 dated:28.1.2011 is not applicable to his case and hence, the APAT judgment O.A.No.4503/2000 ,dated:28.4.2004 is in operation and it is to be implemented by the Govt. As such the disciplinary case against Sri S. Ananda Reddy, MAO (rtd) is deemed to have been closed by the Hon'ble High Court.

8. The Govt have carefully considered the entire issue and noted that the disciplinary case initiated by the C&DA, Hyderabad was closed with the orders of A.P.High Court in W.P.No.8000/09 and batch cases dt. 28.1.2011. Criminal appeal against the ACB Court Judgment in C.A.1250/ was dismissed by the A.P.High Court on 9-3-2011 through which he was acquitted from the criminal charges and accordingly orders have been issued in G.O.Ms.No.3, dated: 4.1.2012 by which time the copy of the judgment , dt. 4.1.20012 was not received and hence it was stated that the said order issued was subject to regularization of suspension period in the departmental proceedings in the first case. As the first case ended with dismissal of the W.P by the A.P.High Court and A.P.A.T. judgment in O.A.No..4503/2000 filed by Sri S. Ananda Reddy, Agril. Officer. (Retd) holds good. Hence the disciplinary two cases are not in force as on to-day. In the circumstances the orders issued by the C&DA, Hyderabad in the ref 2nd read above are hereby treating as dropped.

(P.T.O)

9. The Government therefore direct that the suspension period of Sri S. Ananda Reddy, MAO(Retd) for the period from 13-6-1994 to 9-9-97 shall be regularized as on duty under F.R.54(B)(3) for the purpose of pensionary benefits as admissible to under the rules.

10. This orders issues with the concurrence of the Finance (HR.IV.FR) Dept vide their U.O.No.3051/202/HR.IV/14, dated: 30-09-2014.

11. The Commissioner and Director of Agriculture, A.P., Hyderabad shall take further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ANIL CHANDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The individual concerned through C&DA, Hyd.

The Commissioner and Director of Agriculture, A.P., Hyderabad

SF/SCs

//FORWARDED BY ORDER//

SECTION OFFICER